

REMARKS**BEST AVAILABLE COPY**The Restriction Requirement

The Examiner has required restriction to one of the following Groups under 35 U.S.C. §121:

1. Claims 1-7 and 9 (part of each), drawn to compounds of formula (I) wherein A is aryl; pharmaceutical composition thereof; classified in classes 514 and 544, various subclasses depending on substituents. Further restriction and/or election of species will be required if this group is elected.

2. Claims 1-7 and 9 (part of each), drawn to compounds of formula (I) wherein A is aryl; pharmaceutical composition thereof; classified in classes 514 and 544, various subclasses depending on substituents. Further restriction and/or election of species will be required if this group is elected.¹

3. Claims 8 and 9 (part of each), drawn to compounds of formula (II); pharmaceutical composition thereof; classified in classes 514 and 548, various subclasses depending on substituents. Further restriction and/or election of species will be required if this group is elected.

4. Claims 10-15, drawn to a method of treating or lessening various diseases, classified in classes 514, 540, and 544, various subclasses depending on

¹ Group 1 and 2 are worded identically. Applicants assume that the Examiner meant to say "wherein A is heteroaryl" in Group 2.

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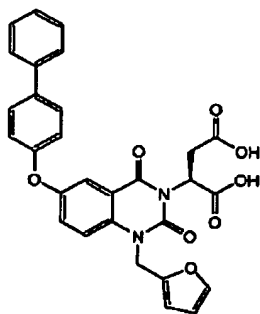
substituents. Further restriction and/or election of species will be required if this group is elected.

5. Claim 16 is drawn to an implantable medical device; classified in class 424, subclass 443.

In response, applicants elect Group I, without traverse, for further prosecution in this application. This election is made expressly without waiver of applicants' rights to continue to prosecute and to obtain claims to the non-elected subject matter either in this application or in other applications claiming benefit herefrom.

Election of Species

The Examiner has also requested an election of species. In response to the species election requirement, applicants provisionally elect compound 14 (specification page 44) having the following structure:



14

Claims 1-7, and 9 read on the elected species.

Pending allowance of claims 1-7, and 9 applicants

request the rejoinder of method of use claims 10-16 pursuant to MPEP §821.04. Specifically, applicants request that the method claims that depend from or otherwise include all the limitations of the patentable product be entered.

In view of the above, applicants request that the Examiner examine claims 1-7 and 9 (Group I) in this application. Applicants request favorable consideration and early allowance of the pending claims.

Conclusion

Applicants request that the Examiner enter the above election, and allow the pending claims to pass to issue.

Respectfully submitted,



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